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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

\* \* \*

JOHN MILLER,	2:12-cv-01610-APG-PAL
Plaintiff,	) ) )
vs.	
ALEIDA MARTINEZ, et al.,	) )
Defendant.	) )

On September 12, 2012, Plaintiff John Miller filed an Application to Proceed *In Forma Pauperis* (#1). On February 27, 2013, the Magistrate Judge granted (#2) the request to proceed *in forma pauperis* and screened Plaintiff's Complaint. The Magistrate Judge dismissed the Complaint on the basis that all of Plaintiff's claims are contractual claims arising under state law, with no showing that diversity jurisdiction exists. Plaintiff was given leave to file an Amended Complaint by March 26, 2013.

On April 10, 2013, the Magistrate Judge filed a Report and Recommendation (#4), noting that Plaintiff has not filed an Amended Complaint nor requested an extension of time or taken any action to prosecute this case. Accordingly, the Report and Recommendation (#4) contains a recommendation that the action be dismissed. Objections to the Report and Recommendation (#4) were due by April 27, 2013. Plaintiff has not filed any objections.

IT IS, THEREFORE, HEREBY ORDERED that the Report and Recommendation (#4) is APPROVED AND ADOPTED. The action is DISMISSED, as the Complaint was previously dismissed and Plaintiff has failed to file an Amended Complaint.

The Clerk shall enter judgment accordingly.

DATED this 7th day of May, 2013.

ANDREW P. GORDON UNITED STATES DISTRICT JUDGE